

**EXHIBIT 10**

CLOSED, MJSELECT

**U.S. District Court  
Eastern District of New York (Brooklyn)  
CRIMINAL DOCKET FOR CASE #: 1:04-cr-00182-CBA-1**

Case title: USA v. Rachko et al  
Other court case number: 03-1788 USCD- EDNY  
Magistrate judge case number: 1:03-mj-01794-MDG

Date Filed: 02/26/2004  
Date Terminated: 10/31/2006

Assigned to: Judge Carol B. Amon

**Defendant (1)**

**Thomas Rachko**  
*TERMINATED: 10/31/2006*

represented by **David J. Goldstein**  
Goldstein & Weinstein  
888 Grand Concourse  
Bronx, NY 10451  
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Fax: (718) 665-9147  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Jeffrey H. Lichtman**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
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**Ronald E. Kliegerman**  
Kliegerman & Friess  
233 Broadway  
38th Floor  
New York, NY 10279  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Pending Counts**

21:846 and 841(b)(1)(A)(ii)(II); 18:  
3551 et seq- CONSPIRACY TO  
DISTRIBUTE NARCOTICS  
(3)

**Disposition**

IMPRISONMENT: 84 months;  
SUPERVISED RELEASE: 5 years;  
FINE: \$10,000.00( \$2,000.00 payments  
over the 5 year period); SPECIAL  
ASSESSMENT: \$100.00

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

18:1956(h), 1956(a)(1)(B)(i) and 3551  
et seq- CONSPIRACY TO LAUNDER  
MONEY- INTERSTATE  
COMMERCE  
(1)

**Disposition**

Dismissed on Motion of the Govt.

18:1956(a)(1)(B)(i) and 3551 et seq-  
MONEY LAUNDERING -  
INTERSTATE COMMERCE  
(2)

Dismissed on Motion of the Govt.

18:924(c)(1)(A)(i), 2 and 3551 et seq-  
Knowingly and intentionally use and  
carry one or more firearms during and  
in relation to a drug trafficking crime  
(4)

Dismissed on Motion of the Govt.

18:1001(a)(2), 2 and 3551 et seq-  
Knowingly and willfully make  
materially false, fictitious and  
fraudulent statements.  
(5)

Dismissed on Motion of the Govt.

**Highest Offense Level (Terminated)**

Felony

**Complaints**

18 U.S.C. secs. 1001(a)(2) and 2 - defts  
did knowingly and willfully make  
materially false, fictitious and  
fraudulent statements and  
representations to a Special Agent of  
ICE.

**Disposition**

Dismissed on Motion of the Govt.

**Plaintiff**

USA

represented by **Steven Harley Breslow**  
 United States Attorneys Office  
 Criminal Division  
 Eastern District of New York  
 271 Cadman Plaza East  
 Brooklyn, NY 11201-1820  
 (718) 254-6243  
 Fax: 718-254-6325  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

| Date Filed | #  | Docket Text  |
|------------|----|--|
| 12/02/2003 | 1  | SEALED Affidavit in Support of Arrest Warrants/COMPLAINT as to Thomas Rachko (1), Julio Vasquez (2). (Frullo, Veronica)[1:03-mj-01794-MDG] (Entered: 12/08/2003)   |
| 12/02/2003 | 2  | Arrest Warrant Issued by Marilyn D. Go as to Thomas Rachko, Julio Vasquez. (Frullo, Veronica)[1:03-mj-01794-MDG] (Entered: 12/08/2003)   |
| 12/03/2003 | 3  | Order to Unseal Case as to Thomas Rachko, Julio Vasquez. Signed by Judge Roanne L. Mann on 12/03/03. (Frullo, Veronica)[1:03-mj-01794-MDG] (Entered: 12/08/2003)   |
| 12/03/2003 |    | Arrest of Thomas Rachko, Julio Vasquez (Frullo, Veronica)[1:03-mj-01794-MDG] (Entered: 12/08/2003)   |
| 12/03/2003 | 4  | Minute Entry for proceedings held before Roanne L. Mann :Initial Appearance as to Thomas Rachko held on 12/3/2003. AUSA Steven Breslow present. Deft present w/retained counsel David Goldstein. Deft arraigned. Detention hearing held; deft released on [1:03]\$500,000 bond. Preliminary hearing waived. (Tape #03/285 (2910-4560).) (Frullo, Veronica)[1:03-mj-01794-MDG] (Entered: 12/08/2003)  |
| 12/03/2003 | 5  | Secured Bond Entered as to Thomas Rachko in amount of \$ 500,000. Conditions od release: deft's travel is restricted to New York City; deft shall avoid all contact and shall not associate with Julio Vasquez; deft shall surrender any and all [1:03passports to PTS and shall not apply for any other passport; deft is subject to random visits by a PTS officer at deft's home and/or place of work; deft must report to PTS in person once a week; and, deft must undergo random drug testing and tre[1:03atment for mental health problems(gambling). The bond is secured by the premises located at 36823 Middle Road, Lafayeville, NY 13656 owned by Andrew Rachko, Jr. (Signed by Magistrate Judge Mann on 12/03/03) (Frullo, Veronica)[1:03-mj-01794-MDG] (Entered: 12/08/2003) |
| 12/03/2003 | 6  | NOTICE OF ATTORNEY APPEARANCE: David J. Goldstein appearing for Thomas Rachko (Frullo, Veronica)[1:03-mj-01794-MDG] (Entered: 12/08/2003)  |
| 12/31/2003 | 11 | NOTICE OF ATTORNEY APPEARANCE: Ronald E. Kliegerman  |

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|            |    | appearing for Thomas Rachko. (Yuen, Sui-May)[1:03-mj-01794-MDG] (Entered: 01/05/2004)   |
| 12/31/2003 |    | Attorney update in case as to Thomas Rachko. Attorney David J. Goldstein terminated. (Yuen, Sui-May)[1:03-mj-01794-MDG] (Entered: 01/05/2004)   |
| 12/31/2003 | 13 | Minute Entry for proceedings held before Viktor V. Pohorelsky :Docket Call as to Thomas Rachko, Julio Vasquez held on 12/31/2003 (Tape #03/309 (0-103).) AUSA Steve Brelsow present. Dft Rachko present w/ counsel Ronald Kliegberman; dft Vasquez presen[1:03t w/ counsel Steve Brill. Time excluded from 12/31 to 1/30/04. (Yuen, Sui-May)[1:03-mj-01794-MDG] (Entered: 01/05/2004)     |
| 12/31/2003 | 14 | ORDER TO CONTINUE - Ends of Justice as to Thomas Rachko Time excluded from 12/31/03 until 1/30/04 . Signed by Judge Viktor V. Pohorelsky on 12/31/03. (Yuen, Sui-May)[1:03-mj-01794-MDG] (Entered: 01/05/2004)  |
| 01/22/2004 | 17 | NOTICE OF ATTORNEY APPEARANCE: Jeffrey Lichtman appearing for Thomas Rachko (Yuen, Sui-May)[1:03-mj-01794-MDG] (Entered: 01/26/2004)  |
| 01/23/2004 |    | Attorney update in case as to Thomas Rachko. Attorney Ronald E. Kliegerman terminated. (Yuen, Sui-May)[1:03-mj-01794-MDG] (Entered: 01/26/2004)   |
| 01/26/2004 | 16 | TRANSCRIPT of Proceedings as to Thomas Rachko, Julio Vasquez held on 12/3/03 before Judge Mann. (Yuen, Sui-May)[1:03-mj-01794-MDG] (Entered: 01/26/2004)  |
| 02/03/2004 | 19 | ORDER TO CONTINUE - Ends of Justice as to Thomas Rachko. Time excluded from 02/03/04 until 03/03/04. Signed by Judge Roanne L. Mann on 02/03/04. (Frullo, Veronica)[1:03-mj-01794-MDG] (Entered: 02/04/2004)  |
| 02/04/2004 | 18 | Minute Entry for proceedings held before Roanne L. Mann :Docket Call for an application for an order of excludable delay as to Thomas Rachko held on 2/4/2004. AUSA Shannon Jones for Steven Breslow. Deft present w/counsel. Order of excludable delay ff[1:03rom 02/03/04 through 03/03/04 entered. (Tape #04/28 (4264-).) (Frullo, Veronica) [1:03-mj-01794-MDG] (Entered: 02/04/2004) |
| 02/26/2004 | 22 | INDICTMENT as to Thomas Rachko (1) count(s) 1, 2, 3, 4, 5, Julio Vasquez (2) count(s) 1, 2, 3, 4, 5. (Permaul, Jenny) (Entered: 03/02/2004)   |
| 03/12/2004 | 24 | Minute Entry for proceedings held before Marilyn D. Go :Arraignment as to Thomas Rachko (1) Count 1,2,3,4,5 held on 3/12/2004, Plea entered by Thomas Rachko Not Guilty on counts 1,2,3,4,5. Status Conf. for 3/18/04 at 9:30. (Tape #Not indicated.) (Permaul, Jenny) (Entered: 03/24/2004)  |
| 03/18/2004 | 29 | Minute Entry for proceedings held before Carol B. Amon :Status  |

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|            |    | Conference as to Thomas Rachko, Julio Vasquez held on 3/18/2004. Further Conf. set for 4/16/04 at 2:30. OED entered (plea discussions) (Court Reporter Burt Sulzer.) (Permaul, Jenny) (Entered: 04/22/2004)  |
| 03/18/2004 | 30 | ORDER TO CONTINUE - Ends of Justice as to Thomas Rachko, Julio Vasquez Time excluded from 3/18/04 until 4/16/04. Signed by Judge Carol B. Amon on 3/18/04. (Permaul, Jenny) (Entered: 04/22/2004)  |
| 04/12/2004 | 27 | Letter dated 4/12/04 from ASUA Steven H. Breslow, to Jeffrey Lichtman, Esq. furnishing discovery as to deft. Rachko pursuant to Rule 16. (Permaul, Jenny) (Entered: 04/14/2004)  |
| 04/14/2004 | 25 | ORDER as to Thomas Rachko: Application denied; Parties and Counsel should report as scheduled on 4/16/04 for a Status Conf. Signed by Judge Carol B. Amon on 4/7/04. (See letter dated 4/7/04 from Jeffrey Lichtman, Esq.) (Permaul, Jenny) (Entered: 04/14/2004)  |
| 04/14/2004 | 26 | Writ of Habeas Corpus ad Testificandum Returned Executed for Joshua De La Cruz on 4/7/04 at 10:00 a.m. at EDNY. in case as to Thomas Rachko, Julio Vasquez (Permaul, Jenny) (Entered: 04/14/2004)  |
| 04/16/2004 | 31 | Minute Entry for proceedings held before Carol B. Amon :Status Conference as to Thomas Rachko held on 4/16/2004. Case deemed complex. OED entered. Further Conf. set for 5/14/04 at 3:00. (Court Reporter Stephanie Drexler.) (Permaul, Jenny) (Entered: 04/22/2004)   |
| 04/16/2004 | 32 | ORDER TO CONTINUE - Ends of Justice as to Thomas Rachko Time excluded from 4/16/04 until 5/14/04. Signed by Judge Carol B. Amon on 4/16/04. (Permaul, Jenny) (Entered: 04/22/2004)   |
| 05/12/2004 | 33 | ORDER as to Thomas Rachko, Julio Vasquez: Application granted; the 5/14/04 status conf. is adjourned from 5/14/04 to 5/17/04 at 3:30. Signed by Judge Carol B. Amon on 5/6/04. (See letter dated 5/6/04 from Jeffrey Lichtman, Esq.) (Permaul, Jenny) (Entered: 05/12/2004)  |
| 05/12/2004 | 34 | ORDER as to Thomas Rachko; Application granted; Deft. Rachko's bail conditions are modified to permit him to attend a Gambler's Anonymous meeting on 5/8/04 from 7:30 p.m. to 11:00 p.m.. Signed by Judge Carol B. Amon on 5/6/04. (See letter dated 5/6/04 from Jeffrey Lichman, Esq.) (Permaul, Jenny) (Entered: 05/12/2004) |
| 05/17/2004 | 35 | Minute Entry for proceedings held before Carol B. Amon :Status Conference as to Thomas Rachko held on 5/17/2004. Status conf. set for 6/21/04 at 2:30 p.m. Order of excludable signed by parties from 5/17/04 to 6/21/04. (Court Reporter Tony Mancuso.) (Vaughn, Terry) (Entered: 05/24/2004)                                 |
| 05/24/2004 | 36 | ORDER as to Thomas Rachko of excludable delay from 5/17/04 thru 6/21/04. . Signed by Judge Carol B. Amon on 5/17/04. (Vaughn, Terry) (Entered: 05/24/2004)   |
| 06/17/2004 | 37 | Writ of Habeas Corpus ad Testificandum Issued as to Ernesto Baez for June 10, 2004 in the case as to Thomas Rachko and Julio Vasquez for the purpose to provide information to the U.S. Attorney's Office. (Permaul,   |

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|            |    | Jenny) (Entered: 06/17/2004)   |
| 06/21/2004 | 38 | Minute Entry for proceedings held before Carol B. Amon :Status Conference as to Thomas Rachko held on 6/21/2004. OED entered (further plea discussions), Guilty Plea set for 6/25/04 at 3:00. (Court Reporter Loan Hong.) (Permaul, Jenny) (Entered: 07/01/2004)   |
| 06/21/2004 | 39 | ORDER TO CONTINUE - Ends of Justice as to Thomas Rachko Time excluded from 6/21/04 until 6/25/04. Signed by Judge Carol B. Amon on 6/21/04. (Permaul, Jenny) (Entered: 07/01/2004)   |
| 06/25/2004 | 41 | Minute Entry for proceedings held before Carol B. Amon :Plea entered by Thomas Rachko (1) Guilty Count 3. Sentencing set for 9/17/05 at 4:00. Deft.'s bail limits are extended to Westchester and Whiteplains. (Court Reporter Marsha Diamond.) (Permaul, Jenny) (Entered: 08/13/2004)   |
| 07/09/2004 | 40 | SEALED Letter dated 6/30/04; date of Sealing 7/6/04 as per order of Judge Amon. (Permaul, Jenny) (Entered: 07/09/2004)   |
| 09/21/2004 | 42 | SEALED Letter dated 9/10/04; date of Sealing 9/15/04 as per order of Judge Amon. (Fernandez, Erica) (Entered: 09/21/2004)  |
| 01/10/2005 | 47 | SEALED DOCUMENT: Letter. (Black, Amanda) (Entered: 01/10/2005)   |
| 05/13/2005 | 48 | SEALED DOCUMENT: Govt Letter dated 5/2/05. (Black, Amanda) (Entered: 05/13/2005)   |
| 07/27/2005 | 50 | SEALED DOCUMENT: Letter filed (Permaul, Jenny) (Entered: 07/27/2005)   |
| 08/24/2005 | 52 | ORDER as to Thomas Rachko: Application granted; Deft. Rachko's bail conditions are modified to allow him to take his children to Dorney Park and Wildwater Kingdom, in Allentown, PA from 8/16/05- 8/17/05. Ordered by Judge Carol B. Amon on 8/10/05. (Endorsed on letter dated 8/10/05 from Jeffrey Lichtman) (Permaul, Jenny) (Entered: 08/24/2005) |
| 09/02/2005 | 55 | SEALED ENVELOPE. (Vaughn, Terry) (Entered: 09/02/2005)   |
| 10/14/2005 | 57 | Minute Entry for proceedings held before Carol B. Amon : AUSA: Steven Breslow; Jeffrey Lichtman, Esq. for the Dft.; Status Conference as to Thomas Rachko held on 10/14/2005. Sentencing adjourned to 12/16/05 at 2:00. (Court Reporter Holly Driscoll.) (Permaul, Jenny) (Entered: 10/19/2005)  |
| 11/08/2005 | 58 | ORDER as to Thomas Rachko: Application granted; Deft's bail conditions are modified to permit him to take his children to Great Adventures in Jackson, NJ on 10/29/05. Ordered by Judge Carol B. Amon on 10/28/05. (Endorsed on letter dated 10/27/05 from Jeffrey Lichtman, Esq.) (Permaul, Jenny) (Entered: 11/08/2005)                              |
| 12/16/2005 | 59 | Minute Entry for proceedings held before Carol B. Amon : AUSA: Steven Breslow; Jeffrey Lichtman, Esq. Status Conference as to Thomas Rachko held on 12/16/2005. Sentencing adjourned to 2/17/2006 at 09:30 AM before Judge Carol B. Amon. (Court Reporter A. Dandridge.)   |

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|            |    | (Permaul, Jenny) (Entered: 12/28/2005)  |
| 12/28/2005 | 60 | SEALED Letter placed in vault; (Govt. Letter dated 11/30/05); Date of Sealing: 12/20/05 as per order of Judge Amon) (Permaul, Jenny) (Entered: 12/28/2005)  |
| 12/28/2005 | 62 | SEALED Letter placed in vault(Govt. letter dated 12/20/05); Date of Sealing: 12/20/05 as per order of Judge Amon. (Permaul, Jenny) (Entered: 12/28/2005)  |
| 02/02/2006 | 64 | SEALED Letter placed in vault(Govt. letter dated 1/27/06); Date of Sealing: 1/30/06 as per order of Judge Amon. (Fernandez, Erica) (Entered: 02/02/2006)  |
| 02/17/2006 | 65 | Minute Entry for proceedings held before Carol B. Amon : AUSA: Steven Breslow; Jeffery Lictman, Esq. by Mariewl Lasasso, Esq. for deft. Rachko; Eric Franz, Esq. for deft. Julio Vasquez. Status Conference as to Thomas Rachko, Julio Vasquez held on 2/17/2006. RULINGS: Deft. RACHKO: Sentencing set for 3/14/06 at 9:30. Sentence submissions: Govt-3/2/06; Deft:- 3/7/06. Deft. VASQUEZ: Status Conf. set for 3/30/06 at noon. (Court Reporter Winnie Valentin.) (Permaul, Jenny) (Entered: 02/21/2006)  |
| 02/23/2006 | 66 | SEALED LETTER placed in vault(Govr. letter dated 2/21/06); Date of Sealing 2.21.06 as per order of Judge Amon. (Permaul, Jenny) (Entered: 02/23/2006)   |
| 03/13/2006 | 67 | Letter dated 3/7/06 from Jeffrey Lichtman, Esq. as to Thomas Rachko submitted for the Court's consideration before sentencing. (Permaul, Jenny) (Entered: 03/13/2006)   |
| 03/13/2006 | 68 | SEALED Letter placed in vault. Date of Sealing 3/10/06 as per order of Judge Amon. (Permaul, Jenny) (Entered: 03/14/2006)   |
| 03/22/2006 | 69 | ORDER as to Thomas Rachko; Application granted: Sentencing adjourned to 3/30/06 at 3:00 PM . Ordered by Judge Carol B. Amon on 3/20/06. (Endorsed on letter dated 3/16/06 from Jeffrey Lichtman, Esq.) (Fernandez, Erica) (Entered: 03/22/2006)   |
| 05/03/2006 | 72 | SEALED Letter as to Thomas Rachko, Julio Vasquez; (Govt.letter dated 4/3/06); Date of Sealing: 5/1/06 as per order of Judge Amon. (Permaul, Jenny) (Entered: 05/03/2006)  |
| 06/02/2006 | 74 | Minute Entry for proceedings held before Carol B. Amon : AUSA: Steve Breslow -by Margo Brodie; Jeffrey Lichtman, Esq. by Mariel Lasasso, Esq. for deft. Thomas Rachko; Julio Vasquez, Esq. for the Deft.; Status Conference as to Thomas Rachko, Julio Vasquez held on 6/2/2006. RULINGS: Deft. Rachko: Sentencing adjourned to 7/17/06 at 2:30; Deft. Vasquez: Further conf. set for 7/17/06 at 2:00. Sentencing adjourned w/o date. (Court Reporter Marsha Diamond.) (Permaul, Jenny) (Entered: 06/16/2006) |
| 07/19/2006 | 77 | SEALED Letter placed in vault. ( Govt. letter dated 7/10/06); Date of Sealing: 7/18/06 as per order of Judge Amon.(Permaul, Jenny) (Entered:  |

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|            |    | 07/19/2006)  |
| 09/29/2006 | 84 | NOTICE of Change of address of <i>Law Offices of Jeffrey Lichtman</i> by Thomas Rachko (Lichtman, Jeffrey) (Entered: 09/29/2006)   |
| 10/13/2006 | 86 | Minute Entry for proceedings held before Carol B. Amon : AUSA: Adam Abensohn, Jeffrey Lichtman, Esq. for the Deft.. Sentencing held on 10/13/2006 for Thomas Rachko (1), Count(s) 1, 2, 4, 5, Dismissed on Motion of the Govt.; Count(s) 3, IMPRISONMENT: 84 months; SUPERVISED RELEASE: 5 years; FINE: \$10,000.00( \$2,000.00 payments over the 5 year period); SPECIAL ASSESSMENT: \$100.00. Deft. is ordered to surrender to the designated institution on 1/5/07. Downdward departure motion granted. (Court Reporter Gene Rodolph.) (Permaul, Jenny) (Entered: 10/31/2006) |
| 10/31/2006 | 87 | JUDGMENT as to Thomas Rachko (1), Count(s) 1, 2, 4, 5, Dismissed on Motion of the Govt.; Count(s) 3, IMPRISONMENT: 84 months; SUPERVISED RELEASE: 5 years; FINE: \$10,000.00( \$2,000.00 payments over the 5 year period); SPECIAL ASSESSMENT: \$100.00. The Deft. shall surrender for service for sentence before 2 p.m. on 1/5/07. Ordered by Judge Carol B. Amon on 10/13/06. c/m by chambers (Permaul, Jenny) (Entered: 10/31/2006)  |
| 02/16/2007 | 92 | TRANSCRIPT of Sentencing held on 10/13/2006 before Judge Carol B Amon. as to Thomas Rachko. All parties present. AUSA Adam Abensohn, Jeffery Lichtman & Courtney Black for the Deft. Court Reporter: Gene Rudolph. (Gonzalez, Mary) (Entered: 02/16/2007)  |

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|-----------------------------|---------------|-------------------------|-------------------|
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